

REMARKS

Claims 1-8 are pending in this application, of which claim 1 has been amended and claims 7-8 are newly-added.

Claims 1-3 and 6 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,888,935 to **Wythoff** (hereinafter “**Wythoff**”), and he has rejected claims 4-6 under 35 U.S.C. §103(a) as unpatentable over **Wythoff**.

Applicants respectfully traverse this rejection.

Wythoff discloses a dished foil lid secured to a container having a flange at its top by placing the lid over the open top of the container with the periphery of the foil on the flange and the dished portion of the lid extending downwardly into the container, and by applying a heating tool to the exterior of the foil adjacent the inner edge of the top of the container. The heating tool preferably has a tapered tip portion so that when it is urged into the depression formed by the dished portion of the lid, the side surfaces of the tip bear against the part of the foil adjacent to the inner edge of the top of the container.

Column B, lines 16-21 disclose that the “tip portion 34 has inwardly sloping or beveled surfaces 36, which are of such a diameter and so positioned with respect to the lower extreme end 40 of the tip portion....”

The Figure shows one circular sloping (or beveled) surface, and does not show any recesses in that surface, as recited in claim 1 of the instant application.

Thus, the 35 USC §102(b) rejection should be withdrawn.

Newly-added claims 7-8 clarify the specific structure of the recesses. The presence of the recesses reduces the likelihood of positive pressure within the sealed container, whereby faulty seals can be obviated.


In view of the aforementioned amendments and accompanying remarks, claims 1-8, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP


William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/mla
Atty. Docket No. **040172**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE